

REMARKS

This Amendment is being filed in response to the Office Action mailed on March 23, 2011, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-2, 4-16 and 19-28 are pending in the application, where claims 1 and 22 are independent.

In the Office Action, claims 1-2, 4-9, 11-12, 14-16 and 19-26 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,289,796 (Fung) in view of U.S. Patent No. 5,427,719 (Favre). Further, claim 10 is rejected under 35 U.S.C. §103(a) over Fung and Favre in view of U.S. Patent No. 5,862,740 (Gross). Claim 13 is rejected under 35 U.S.C. §103(a) over Fung and Favre in view of U.S. Patent No. 5,473,972 (Rizzuto). Applicants respectfully traverse and submit that claims 1-2, 4-16 and 19-28 are patentable over Fung, Favre, Gross and Rizzuto for at least the following reasons.

Fung is directed to a hot milk dispenser that supplies either frothed milk or non-frothed milk based on the position of a knob 14 that selects either a first nozzle 17 for providing frothed milk (FIG 3), or a second nozzle 18 for providing non-frothed milk (FIG 4). The Fung hot milk dispenser is a unitary device where no parts appear to be detachably connected to the dispenser. Even if some parts are detachably connected to the

dispenser, there is still no disclosure or suggestion of a cartridge that includes the following five elements: (1) a reservoir, (2) chamber or compartment, (3) a liquid transport channel, (4) a guide, and (5) liquid outlet, where such a cartridge that includes these five elements is detachably connected to the dispenser.

Favre is directed to an apparatus for making a beverage that includes sealed cartridge 1 with coffee grounds, for example. The sealed cartridge 1 is placed in an inner space 8 of a liquid collector member 9 and is pierced by sharp tips 17 of injector nozzles 18, as shown in FIG 3. As shown in FIG 4, the lower wall 10 of the liquid collector member 9 has openings with a frusto-conical projection 13 having upper edges 14 that are sharp to "puncture or tear open the lower wall 2 of the cartridge." (Favre, column 5, lines 58-59) As described on column 6, lines 38-51, the lower membrane 2 of the sealed cartridge 1 deforms under high pressure from the injector nozzles 18 that presses the lower membrane 2 the sharp tips 13 at the bottom of the liquid product collector member 9 so that "the liquid product flows directly into the housing 21 of the mounting member which constitutes a small liquid collector chamber (not illustrated) to direct the liquid product into a container, such as a cup or a beaker." (Favre, column 5, lines 58-59; emphasis added)

It is respectfully submitted that Fung, Favre, and combination thereof, do not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 22 which, amongst other patentable elements, recites (illustrative emphasis provided):

a reservoir that sealably holds a liquid in a sealed foil;

a chamber; ...
a cartridge in which the reservoir, the chamber, the liquid transport channel, the guide, and the liquid outlet are provided, wherein the cartridge is detachably connected to the device beverage-making appliance and the cartridge is disposable after the sealed foil is unsealed.

A cartridge that includes a reservoir, a chamber or compartment, a channel between the sealed reservoir and the chamber or compartment, a guide, and a liquid outlet is nowhere disclosed or suggested in Fung and Favre, alone or in combination. As discussed above, the Fung milk reservoir 10 is an integral part of the Fung hot milk dispenser and is not detachably connected thereto. Further, the Favre sealed cartridge 1 is merely a sealed container without any liquid transport channel between the reservoir and a chamber or compartment. At best the combination of Fung and Favre merely discloses a beverage making device with integral channels and chambers, and a detachable sealed cartridge which is nothing more than a mere sealed container without any further chambers, guides or channels. Gross and Rizzuto are cited to allegedly show other features and do not remedy the deficiencies in Fung and Favre.

Accordingly, it is respectfully requested that independent claims 1 and 22 be allowed. In addition, it is respectfully submitted that claims 2, 4-16, 19-21 and 23-28 should also be allowed at least based on their dependence from independent claims 1 and 22, as well as their individually patentable elements. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

For example, Fung, Favre, and combination thereof do not even disclose or suggest a that "the liquid outlet of the cartridge outputs the heated liquid directly into a cup so that

the liquid present in the reservoir does not come into contact with the beverage-making appliance," as recited in claim 27, and similarly recited in claim 28. Rather, as described on column 6, lines 38-51 of Favre, "the liquid product flows directly into the housing 21 of the mounting member which constitutes a small liquid collector chamber (not illustrated) to direct the liquid product into a container, such as a cup or a beaker." (Favre, column 5, lines 58-59; emphasis added) That is, the liquid pouring in the cup come from the "small liquid collector chamber" of the Favre beverage making device, and not directly from the Favre sealed cartridge 1. This necessitates cleaning of the Favre beverage making device. In contrast, in the present invention as recited in claim 27, and similarly recited in claim 28, since "the liquid outlet of the cartridge outputs the heated liquid directly into a cup so that the liquid present in the reservoir does not come into contact with the beverage-making appliance," there is no need to clean the beverage-making appliance. (Illustrative emphasis provided)

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,


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